



Legislative Appropriations Request

For Fiscal Years 2016 and 2017

Submitted to the
Governor's Office of Budget, Planning and Policy
and the Legislative Budget Board

by

The Second Court of Appeals

Chief Justice Terrie Livingston
Justice Lee Ann Dauphinot
Justice Anne Gardner
Justice Sue Walker
Justice Bob McCoy
Justice William C. Meier
Justice Lee Gabriel

January 1, 2013 – December 31, 2018
January 1, 2013 – December 31, 2018
January 1, 2011 – December 31, 2016
January 1, 2013 – December 31, 2018
January 1, 2013 – December 31, 2018
January 1, 2009 – December 31, 2014
January 1, 2011 – December 31, 2014

Fort Worth, Texas
Fort Worth, Texas
Fort Worth, Texas
Arlington, Texas
Fort Worth, Texas
Fort Worth, Texas
Fort Worth, Texas

August 2014

Second Court of Appeals
Legislative Appropriations Request
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222 Second Court of Appeals District, Fort Worth

The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion or order appeals from criminal and civil trial courts. Since 2004, the yearly average of new appeals filed in the State of Texas is 10,086. This long term trend of new case filings in concert with an ever increasing number of cases eligible for expedited review clearly demonstrates that the workload within the appellate courts is significant. In order to effectively manage the demands being placed on the appellate courts, the courts must employ a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the court in disposing of cases and researching and writing opinions.

The courts of appeals initiated steps to address this issue during the 79th and 80th Legislative Sessions by collectively developing funding requests that sought necessary resources to similarly fund same-size appellate courts to: 1) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified attorneys; 2) reclassify the majority of law clerks as permanent staff attorneys; and 3) make salary adjustments for some non-legal staff to appropriately reflect levels of responsibility.

Going into the 81st Legislative Session, the courts updated the funding requests to continue the same-size court initiative of implementing a career ladder for attorneys by more closely matching court attorney salaries to attorney salaries in state agencies and county government; adding one or more permanent staff attorneys; and making appropriate salary adjustments for non-legal staff to reflect increasing levels of responsibility. The Legislature provided a portion of the requested funding, including attorney salaries (capped at a lower amount than requested) and an additional staff attorney position for most courts; however, the partial funding was provided in FY 2011 only. In the interim, as part of state leadership's directive to cut budgets in the face of the national economic downturn, the approved funding was reduced.

During the 82nd Legislative Session, the courts of appeals again expressed a critical need to continue working toward full implementation of similar funding for same-size courts. However, the courts collectively decided not to pursue the needed resources due to the continuing economic challenges in Texas. The courts decided to only ask the Legislature not to reduce budgets for FY 2012-13. Despite these efforts, the economic downturn resulted in the courts' budgets being cut approximately 6% from levels appropriated in FY 2011 resulting in forced vacancies and a loss of employees. This was directly related to this court's budget being 96% employee/labor driven.

The state leadership's directive to cut budgets during the 82nd Legislative Session, coupled with a legislative mandate to expedite the processing of parental termination cases and an increased number of case filings, especially of accelerated types, imposed significant pressures on the courts' ability to meet performance objectives and dispose of cases in a timely and statutorily required manner.

In the 83rd Legislative Session, with the improving economy, the courts once again sought the funding necessary to enable the courts to meet their performance objectives and process appeals in a timely manner. The courts requested the funds necessary to fully implement the similar funding for same-sized courts initiative. For FY 2014-15, the Legislature provided half of the funding requested by most of the courts and none of the technological capital request we included as necessary for the implementation of e-filing and TAMES. These are two statewide new software and filing methods which preliminarily required much additional training and contact with the clerk's office.

It is critical for the courts of appeals to continue working toward full implementation of the funding requests made in the 83rd Legislative Session. Funding the remaining half of the amount requested in the 83rd Legislative Session will assist the public's access to justice as the courts continue to meet the increasing demands being placed on them and will increase the courts' ability to meet their performance objectives and minimize backlogs in the appeal process.

Administrator's Statement

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Exceptional Item #1: Unfunded Portion of Guideline (Similar Funding for Same-Size Courts)

The courts of appeals continue to be challenged in their efforts to recruit and retain top quality staff. Nearly 20% of this court's docket is accelerated or preferential requiring these cases to be handled first regardless of when other cases were filed. This undermines this court's ability to meet its performance objectives. In order to achieve its mission, the Second Court respectfully requests the remaining half of its previous request for similar funding for same-size courts. The funding needed to fully implement this initiative is \$634,278 in the FY 2016-17 biennium. This amount will proportionally fund the Second Court of Appeals in relation to similar-sized appellate courts and will enable us to better meet imposed deadlines as well as hire and retain the personnel needed to implement new statewide accounting software and adjust to the new e-filing system. It will allow salary increases for attorneys and staff and restore a lost clerk position.

Appellate work requires specialized knowledge with the ability to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. This requires personnel that possess the requisite skills that can be obtained only through professional experience. Generally, law clerks do not possess the skills necessary to maximize efforts to assist the court in its workload. In addition, entry level support staff lack the requisite skills to fully support the court in its workload. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is at least two lawyers for each judge. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. Funding of this item will allow the court to recruit and retain well qualified professional staff, which is a major factor in the court's ability to fulfill its core function of timely processing and disposing of appeals while maintaining the quality of justice to which the citizens of Texas are entitled. The appellate courts implemented an entirely new e-filing and case management system with no additional funding for staffing needs to cover training or implementation. Furthermore, in 2016-17, we will be implementing a new statewide accounting system (CAPPS) which will require additional staff and new training.

Exceptional Item #2: New Full-Time Equivalent Positions (Staff Attorneys)

Because nearly 18 to 26% of this court's docket is statutorily required to be treated expeditiously and requires those cases to be handled first, regardless of when other cases were filed, this court requests funding to employ three full-time equivalent central Staff Attorneys to sustain the capacity of continuous and expedited cases filed on a daily basis. Our level of accelerated cases is larger than most because of our high volume of transferred cases, which cannot include accelerated matters. This will allow this court to properly process its high percentage of preferential and expedited cases, as well as help with the regular docket.

Appellate law covers all types of cases, civil and criminal (excluding death penalty cases). Plus, the court is required to hear any case over which it has proper jurisdiction — it's not discretionary jurisdiction. After an appellant has filed a notice of appeal, the appellate review process begins. This court alone receives well over 1000 new civil and criminal cases annually of which over 175 must be transferred due to the significant number of cases per chambers. Furthermore, we usually dispose of approximately 3000 motions per year. This court's filings are virtually identical to courts with nine (9) justices and who have substantially more staff attorney support. The appellate review process can be extensive in that each case must be reviewed to ensure that the proper procedures and the proper laws were applied in the trial court. Careful assessment of each case is required. Therefore, funding for three central Staff Attorneys will ensure the success of a clearance rate of 100%.

Exceptional Item #3: Capital Request

This court has been informed by Tarrant County of relocation in fiscal year 2017. The county is in the final construction phase for the new Civil Courts building where this court has been slated to relocate. The county has informed this court of a new VOIP (voice over IP telephone system) it plans on implementing county-wide. Considering the county is required to provide the Second Court of Appeals space, we will also be required to purchase this new telephone system. This court has been informed that the relocation is required but has not been provided with detailed expenditures to be covered by the county and those to be required by us, except for the

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likelihood of the new phone system and possible courtroom upgrades. Therefore, it is imperative for this court to request an additional \$100,000 for purposes of a new VOIP phone system in FY 2017 for the relocation. Our current phone system is sixteen years old and is not included in our baseline of which 96% is used for salaries and the other 4% for general operating expenditures. Additionally, the court requests \$10,000 for the purchase of a replacement e-mail server aging out to support forecasted growth of 4 new staff members over the next 5 years as OCA does not fund this need.

With such a large relocation, this court is committed to a successful move without added delays, and would like to have a seamless transition to reduce the possibility of cases not being tended to in a timely manner due to technically-related issues with the computers and telephone systems. There is a high likelihood of unanticipated moving costs that we may be required to cover.

RIDER REQUESTS:

The court also requests the following with regard to the across-the-board riders found in Article IV (p. IV-42):

- 1) Retain Article IV rider, Sec. 4, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec. 5, Appn: Unexpended Balances Between Fiscal Years within the Biennium
- 3) Delete Article IV rider, Sec. 7, Appellate Court Salary Limits
- 4) Retain Article IV rider, Sec. 8, Interagency Contracts for Assigned Judges for Appellate Courts
- 5) Retain Article IV rider, Sec. 9, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. It has also granted the authority to carry over unexpended budget balances between years of the biennium. The flexibility afforded by these measures enhances the court's management ability, and we seek continuation of these budget features.

The court seeks to delete the rider that establishes salary limits for the chief staff attorney or other permanent legal staff. The provision is antiquated as these positions are subject to the State of Texas Classification Plan.

INFORMATION TECHNOLOGY:

This court supports the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration. If the OCA's request is not fully funded for the 2016-17 biennium, this court would need additional funds to maintain its own, separate technology network.

CAPPS IMPLEMENTATION:

This Court has been designated as an agency eligible for conversion to CAPPS during the 2016-17 biennium. The Office of Court Administration is seeking additional funds in its biennial budget request to be used in the implementation of CAPPS at the courts of appeals. The Court supports the consolidated budget approach represented in the biennial appropriations request of the OCA. If the OCA's request for CAPPS deployment is not fully funded for the 2016-17 biennium, this Court would need additional funds to implement CAPPS during the biennium, including and not limited to, funds for project management services, backfill of critical positions, training and management services, IT programming support, computer operating and system updates, operation documentation updates, and travel costs.

Note on Appropriated Receipts – At the direction of the LBB & Governor's Office, this Court has included appropriated receipts in the amount of \$16,000, reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the court, and do not constitute additional funds available for general expenditures for the court. The amount can vary significantly from year to year.

2.A. Summary of Base Request by Strategy

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222 Second Court of Appeals District, Fort Worth

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>1</u> Appellate Court Operations					
<u>1</u> Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	2,845,029	3,276,804	3,273,454	3,271,455	3,271,454
TOTAL, GOAL 1	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454
TOTAL, AGENCY STRATEGY REQUEST	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454

2.A. Summary of Base Request by Strategy

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Automated Budget and Evaluation System of Texas (ABEST)

222 Second Court of Appeals District, Fort Worth

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	2,560,771	2,994,640	2,996,404	2,996,405	2,996,404
SUBTOTAL	\$2,560,771	\$2,994,640	\$2,996,404	\$2,996,405	\$2,996,404
Other Funds:					
573 Judicial Fund	213,050	213,050	213,050	213,050	213,050
666 Appropriated Receipts	17,208	15,114	10,000	8,000	8,000
777 Interagency Contracts	54,000	54,000	54,000	54,000	54,000
SUBTOTAL	\$284,258	\$282,164	\$277,050	\$275,050	\$275,050
TOTAL, METHOD OF FINANCING	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454

*Rider appropriations for the historical years are included in the strategy amounts.

2.B. Summary of Base Request by Method of Finance

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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>GENERAL REVENUE</u>						
<u>1</u>	General Revenue Fund					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2012-13 GAA)	\$2,560,771	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2014-15 GAA)	\$0	\$2,877,911	\$2,877,910	\$0	\$0
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$2,996,405	\$2,996,404
	<i>TRANSFERS</i>					
	Sec. 11, Article IV Special Provisions, Appropriations for Judicial Compensation (2014-15 GAA)	\$0	\$115,500	\$115,500	\$0	\$0
	Art IX, Sec. 17.06 Salary Increase for General State Employees (2014-15 GAA)	\$0	\$1,229	\$2,994	\$0	\$0
TOTAL,	General Revenue Fund	\$2,560,771	\$2,994,640	\$2,996,404	\$2,996,405	\$2,996,404

2.B. Summary of Base Request by Method of Finance

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code:	222	Agency name:	Second Court of Appeals District, Fort Worth			
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
TOTAL, ALL GENERAL REVENUE		\$2,560,771	\$2,994,640	\$2,996,404	\$2,996,405	\$2,996,404

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2012-13 GAA)

\$213,050	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2014-15 GAA)

\$0	\$213,050	\$213,050	\$0	\$0
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Regular Appropriations from MOF Table

\$0	\$0	\$0	\$213,050	\$213,050
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TOTAL, Judicial Fund No. 573

\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
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666 Appropriated Receipts

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2012-13 GAA)

\$10,000	\$0	\$0	\$0	\$0
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2.B. Summary of Base Request by Method of Finance

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table (2014-15 GAA)		\$0	\$10,000	\$10,000	\$0	\$0
Regular Appropriations from MOF Table		\$0	\$0	\$0	\$8,000	\$8,000
<i>RIDER APPROPRIATION</i>						
Art IX, Sec. 8.03, Reimbursements and Payments (2012-13 GAA)		\$7,208	\$0	\$0	\$0	\$0
Comments: Third Party Reimbursements for copies and opinions						
Art IX, Sec. 8.03, Reimbursements and Payments (2014-15 GAA)		\$0	\$5,114	\$0	\$0	\$0
Comments: Third Party Reimbursements for copies and opinions						
TOTAL,	Appropriated Receipts	\$17,208	\$15,114	\$10,000	\$8,000	\$8,000
<u>777</u>	Interagency Contracts					
	<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2012-13 GAA)						

2.B. Summary of Base Request by Method of Finance

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>OTHER FUNDS</u>						
		\$54,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2014-15 GAA)						
		\$0	\$54,000	\$54,000	\$0	\$0
Regular Appropriations from MOF Table						
		\$0	\$0	\$0	\$54,000	\$54,000
TOTAL,	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
TOTAL, ALL	OTHER FUNDS	\$284,258	\$282,164	\$277,050	\$275,050	\$275,050
GRAND TOTAL		\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454

2.B. Summary of Base Request by Method of Finance

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84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2012-13 GAA)	35.5	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2014-15 GAA)	0.0	38.0	38.0	0.0	0.0
Regular Appropriations from MOF Table	0.0	0.0	0.0	39.0	39.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over (Below) Cap	2.2	0.7	0.7	0.0	0.0
TOTAL, ADJUSTED FTES	37.7	38.7	38.7	39.0	39.0
NUMBER OF 100% FEDERALLY FUNDED FTES					
	0.0	0.0	0.0	0.0	0.0

2.C. Summary of Base Request by Object of Expense

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84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)**222 Second Court of Appeals District, Fort Worth**

OBJECT OF EXPENSE	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1001 SALARIES AND WAGES	\$2,647,795	\$3,054,168	\$3,067,750	\$3,067,750	\$3,067,750
1002 OTHER PERSONNEL COSTS	\$54,765	\$106,608	\$68,029	\$71,692	\$77,946
2001 PROFESSIONAL FEES AND SERVICES	\$0	\$600	\$250	\$250	\$250
2003 CONSUMABLE SUPPLIES	\$10,374	\$15,635	\$14,000	\$14,000	\$14,000
2004 UTILITIES	\$1,813	\$1,673	\$2,000	\$2,000	\$2,000
2005 TRAVEL	\$13,476	\$6,383	\$14,000	\$14,000	\$14,000
2006 RENT - BUILDING	\$3,382	\$1,805	\$805	\$805	\$805
2007 RENT - MACHINE AND OTHER	\$13,192	\$14,041	\$10,194	\$10,195	\$10,194
2009 OTHER OPERATING EXPENSE	\$100,232	\$75,891	\$96,426	\$90,763	\$84,509
5000 CAPITAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0
OOE Total (Excluding Riders)	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454
OOE Total (Riders)					
Grand Total	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454

2.C.1. Operating Costs Detail ~ Base Request

Date: 8/6/2014
Time: 8:02:44AM84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 222 Agency: Second Court of Appeals District, Fort Worth

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2013	Estimated 2014	Budgeted 2015	Requested 2016	Requested 2017
2	Postage	\$3,000	\$1,000	\$1,000	\$0	\$0
6	Registrations/Training	2,492	1,688	2,000	2,000	2,000
7	Subscriptions/Periodicals	2,168	0	0	0	0
13	Furniture & Equipment (Expensed)	1,792	912	1,000	1,000	1,000
24	Freight/Delivery	905	719	1,000	1,000	1,000
25	Advertising	115	0	250	250	250
27	Membership Dues	8,322	9,353	11,918	11,918	11,918
56	Computer Equipment - Expensed	2,201	0	0	5,000	0
58	Furn/Equip (Expensed & Controlled)	500	0	0	0	0
61	Purchase of Contract Services	350	5,578	8,000	4,000	4,800
64	SORM Assessment	3,332	3,015	3,249	3,249	3,249
67	Cleaning Services	130	150	200	200	200
74	Computer Software - Expensed	146	33	50	50	50
110	Maintenance & Repair - Computer	609	0	0	0	0
131	Online Legal Research Subscription	18,737	7,603	13,205	7,869	5,788
135	Printing	303	403	500	500	500
146	Interest	0	4	0	0	0
157	Fees and Other Charges	367	125	500	173	200
164	Books/Reference Materials	23,509	10,020	16,700	16,700	16,700
171	Insurance Premiums	4,947	4,945	5,027	5,027	5,027
172	Maintenance and Repair - Expensed	361	287	1,000	1,000	1,000
173	Parts - Computer Equip/Exp	42	133	150	150	150
187	1% salary benefits fee	25,904	29,923	30,677	30,677	30,677
Total, Operating Costs		\$100,232	\$75,891	\$96,426	\$90,763	\$84,509

2.D. Summary of Base Request Objective Outcomes
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

8/6/2014 8:02:44AM

222 Second Court of Appeals District, Fort Worth					
<i>Goal/ Objective / Outcome</i>	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	105.08%	103.00%	98.00%	96.00%	96.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	98.44%	90.00%	96.00%	96.00%	96.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.44%	97.00%	98.00%	98.00%	98.00%

2.E. Summary of Exceptional Items Request
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2014
TIME : 8:02:45AM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

Priority	Item	2016			2017			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Unfunded Portion of Guideline	\$317,139	\$317,139	1.0	\$317,139	\$317,139	1.0	\$634,278	\$634,278
2	New FTE's	\$289,490	\$289,490	3.0	\$278,220	\$278,220	3.0	\$567,710	\$567,710
3	Capital Request	\$0	\$0		\$110,000	\$110,000		\$110,000	\$110,000
Total, Exceptional Items Request		\$606,629	\$606,629	4.0	\$705,359	\$705,359	4.0	\$1,311,988	\$1,311,988
Method of Financing									
	General Revenue	\$606,629	\$606,629		\$705,359	\$705,359		\$1,311,988	\$1,311,988
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$606,629	\$606,629		\$705,359	\$705,359		\$1,311,988	\$1,311,988
Full Time Equivalent Positions				4.0				4.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

2.F. Summary of Total Request by Strategy
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/6/2014
TIME : 8:02:45AM

Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth					
Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$3,271,455	\$3,271,454	\$606,629	\$705,359	\$3,878,084	\$3,976,813
TOTAL, GOAL 1	\$3,271,455	\$3,271,454	\$606,629	\$705,359	\$3,878,084	\$3,976,813
TOTAL, AGENCY STRATEGY REQUEST	\$3,271,455	\$3,271,454	\$606,629	\$705,359	\$3,878,084	\$3,976,813
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$3,271,455	\$3,271,454	\$606,629	\$705,359	\$3,878,084	\$3,976,813

2.F. Summary of Total Request by Strategy
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/6/2014
TIME : 8:02:45AM

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
General Revenue Funds:						
1 General Revenue Fund	\$2,996,405	\$2,996,404	\$606,629	\$705,359	\$3,603,034	\$3,701,763
	\$2,996,405	\$2,996,404	\$606,629	\$705,359	\$3,603,034	\$3,701,763
Other Funds:						
573 Judicial Fund	213,050	213,050	0	0	213,050	213,050
666 Appropriated Receipts	8,000	8,000	0	0	8,000	8,000
777 Interagency Contracts	54,000	54,000	0	0	54,000	54,000
	\$275,050	\$275,050	\$0	\$0	\$275,050	\$275,050
TOTAL, METHOD OF FINANCING	\$3,271,455	\$3,271,454	\$606,629	\$705,359	\$3,878,084	\$3,976,813
FULL TIME EQUIVALENT POSITIONS						
	39.0	39.0	4.0	4.0	43.0	43.0

2.G. Summary of Total Request Objective Outcomes
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/6/2014
Time: 8:02:46AM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

Goal/ Objective / Outcome

		BL 2016	BL 2017	Excp 2016	Excp 2017	Total Request 2016	Total Request 2017
1	Appellate Court Operations						
1	Appellate Court Operations						
KEY	1 Clearance Rate						
		96.00%	96.00%	100.00%	100.00%	100.00%	100.00%
KEY	2 Percentage of Cases Under Submission for Less Than One Year						
		96.00%	96.00%	100.00%	100.00%	100.00%	100.00%
KEY	3 Percentage of Cases Pending for Less Than Two Years						
		98.00%	98.00%	100.00%	100.00%	100.00%	100.00%

222 Second Court of Appeals District, Fort Worth

GOAL: 1 Appellate Court Operations
OBJECTIVE: 1 Appellate Court Operations
STRATEGY: 1 Appellate Court Operations

Statewide Goal/Benchmark: 0 0
Service Categories:
Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Output Measures:						
1	Number of Civil Cases Disposed	500.00	490.00	470.00	480.00	480.00
2	Number of Criminal Cases Disposed	493.00	505.00	490.00	500.00	500.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	516.00	500.00	510.00	535.00	535.00
2	Number of Criminal Cases Filed	677.00	620.00	615.00	635.00	635.00
3	Number of Cases Transferred in	0.00	0.00	0.00	0.00	0.00
4	Number of Cases Transferred out	248.00	158.00	150.00	150.00	150.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,647,795	\$3,054,168	\$3,067,750	\$3,067,750	\$3,067,750
1002	OTHER PERSONNEL COSTS	\$54,765	\$106,608	\$68,029	\$71,692	\$77,946
2001	PROFESSIONAL FEES AND SERVICES	\$0	\$600	\$250	\$250	\$250
2003	CONSUMABLE SUPPLIES	\$10,374	\$15,635	\$14,000	\$14,000	\$14,000
2004	UTILITIES	\$1,813	\$1,673	\$2,000	\$2,000	\$2,000
2005	TRAVEL	\$13,476	\$6,383	\$14,000	\$14,000	\$14,000
2006	RENT - BUILDING	\$3,382	\$1,805	\$805	\$805	\$805
2007	RENT - MACHINE AND OTHER	\$13,192	\$14,041	\$10,194	\$10,195	\$10,194
2009	OTHER OPERATING EXPENSE	\$100,232	\$75,891	\$96,426	\$90,763	\$84,509

222 Second Court of Appeals District, Fort Worth

GOAL: 1 Appellate Court Operations
OBJECTIVE: 1 Appellate Court Operations
STRATEGY: 1 Appellate Court Operations

Statewide Goal/Benchmark: 0 0
Service Categories:
Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
5000	CAPITAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0
TOTAL, OBJECT OF EXPENSE		\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454
Method of Financing:						
1	General Revenue Fund	\$2,560,771	\$2,994,640	\$2,996,404	\$2,996,405	\$2,996,404
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,560,771	\$2,994,640	\$2,996,404	\$2,996,405	\$2,996,404
Method of Financing:						
573	Judicial Fund	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
666	Appropriated Receipts	\$17,208	\$15,114	\$10,000	\$8,000	\$8,000
777	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
SUBTOTAL, MOF (OTHER FUNDS)		\$284,258	\$282,164	\$277,050	\$275,050	\$275,050
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$3,271,455	\$3,271,454
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454
FULL TIME EQUIVALENT POSITIONS:		37.7	38.7	38.7	39.0	39.0

222 Second Court of Appeals District, Fort Worth

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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STRATEGY DESCRIPTION AND JUSTIFICATION:

The Second Court of Appeals was created in 1892 by the 2nd Leg., 1st Session, General Laws of Texas, and the Texas Constitution. The Second Court of Appeals district is composed of twelve counties: Archer, Clay, Cooke, Denton, Hood, Jack, Montague, Parker, Tarrant, Wichita, Wise, and Young. This court has intermediate appellate jurisdiction of civil and criminal cases appealed from 84 lower courts (previously 54 trial courts) in twelve counties in civil cases where judgments rendered exceed \$100, exclusive of costs and other civil proceedings as provided by law; and in criminal cases except in post-conviction writs of habeas corpus and where the death penalty has been imposed. In 1981, the population in our District was 1.3 million and has now grown to over 2.9 million. The increased number of accelerated matters requires us to handle these first, even when other cases remain pending. This requires additional attorneys and support staff. (Note: Appellate Courts are not subject to FTE limitation, Art. IV Special Provisions, Sec. 4 (2014-15 GAA))

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of Appeals in Texas are medium to small appellate courts with highly specialized staff. Appellate court operations require and must retain highly trained and knowledgeable legal and clerical staff to meet the increasing accelerated docket and caseload. For the Second Court of Appeals, the number of appeals has grown from 794 in 1995 to an estimated 1000 in 2014. While we have added staff attorneys, we have had the same number of judges since 1983, thirty years—seven. Furthermore, e-filing and TAMES implementation has put an ever-growing demand on all staff and judicial time. We need additional staffing to handle the new programs and the increased volume of inquiries from the public and their counsel. Additionally, the implementation of CAPPs will create a large learning curve, and require additional resources and staffing.

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454
METHODS OF FINANCE (INCLUDING RIDERS):				\$3,271,455	\$3,271,454
METHODS OF FINANCE (EXCLUDING RIDERS):	\$2,845,029	\$3,276,804	\$3,273,454	\$3,271,455	\$3,271,454
FULL TIME EQUIVALENT POSITIONS:	37.7	38.7	38.7	39.0	39.0

3.B. Rider Revisions and Additions Request

Agency Code: 222	Agency Name: Second Court of Appeals	Prepared By: Debra Spisak/Shante Hackworth	Date: August 4, 2014	Request Level: Baseline
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Current Rider Number	Page Number in 2014-15 GAA	Proposed Rider Language
4	IV-42	<p>Appellate Court Exemptions. The following provisions of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> a. Article IX, § 6.10, Limitation on State Employment Levels b. Article IX, § 6.13, Performance Rewards and Penalties c. Article IX, §14.03, Limit on Expenditures - Capital Budget <p><i>Request continuation of this rider.</i></p>
5	IV-42	<p>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium. Any unexpended balances from appropriations made to the appellate courts for fiscal year 2014-2016 are hereby appropriated to the same court for fiscal year 2015-2017 for the same purposes.</p> <p><i>Request continuation of this rider. Change years to reflect the new biennium.</i></p>
7	IV-42	<p>Appellate Court Salary Limits. It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2013, more than \$94,950 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2013 more than \$84,175 annually. This provision does not apply to law clerk positions at any appellate court.</p> <p><i>Request deletion of this rider. These positions are covered under the State of Texas Position Classification Act, which determines the classification and compensation range of each position in the courts (and all state agencies). Originally, this rider was used to distinguish salary increases given specifically to the courts for attorney salaries from across-the-board increases for all state employees. Subsequent legislatures have addressed this issue through directive riders in Article IX to ensure there is no overlap or duplication of salary actions for specific classes of state employees. Currently, staff attorneys at the courts of appeals are the only position classification employees across the state with a mandated ceiling on the amount they can earn that is lower than the maximum allowed by the Position Classification Plan.</i></p> <p><i>This rider is no longer necessary, thus, the courts request that it be deleted.</i></p>

3.B. Rider Revisions and Additions Request (continued)

8	IV-42	<p>Interagency Contracts for Assigned Judges for Appellate Courts. Out of funds appropriated in this Article to Strategies A.1.1, Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years 2012 <u>2016</u> and 2013 <u>2017</u>, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3, Visiting Judges - Appellate in the Judiciary Section, Comptroller's Department.</p> <p><i>Request continuation of this rider. Change years to reflect the new biennium.</i></p>
9	IV-42	<p>Appellate Court Transfer Authority. The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices, <u>with the consent of the affected appellate court chiefs</u>, is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads. It is the intent of the Legislature that transfers made under this provision are addressed by the Legislative Budget Board and the Governor in reviewing amounts requested in the appellate courts' Legislative Appropriations Request for the 2016-17 biennium.</p> <p><i>Change requested</i></p>

4.A. Exceptional Item Request Schedule
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/6/2014**
TIME: **8:02:46AM**

Agency code: **222**

Agency name:

Second Court of Appeals District, Fort Worth

CODE	DESCRIPTION	Excp 2016	Excp 2017
Item Name: Unfunded Portion of Guideline (Similar Funding for Same-Size Courts) Item Priority: 1 Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	171,311	176,991
2003	CONSUMABLE SUPPLIES	3,000	3,054
2005	TRAVEL	9,000	0
2009	OTHER OPERATING EXPENSE	133,828	137,094
TOTAL, OBJECT OF EXPENSE		\$317,139	\$317,139
METHOD OF FINANCING:			
1	General Revenue Fund	317,139	317,139
TOTAL, METHOD OF FINANCING		\$317,139	\$317,139
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.00	1.00

DESCRIPTION / JUSTIFICATION:

The courts of appeals continue to be challenged in their efforts to recruit and retain top quality staff. Nearly 20% of this court's docket is accelerated or preferential requiring these cases to be handled first regardless of when other cases were filed. This undermines this court's ability to meet its performance objectives. In order to achieve its mission, the Second Court respectfully requests the remaining half of its previous request for similar funding for same-size courts. The funding needed to fully implement this initiative is \$634,278 in the FY 2016-17 biennium. This amount will proportionally fund the Second Court of Appeals in relation to similar-sized appellate courts and will enable us to better meet imposed deadlines as well as hire and retain the personnel needed to implement new software and filing systems. It will allow small salary increases for attorneys and staff and restore a lost clerk position.

EXTERNAL/INTERNAL FACTORS:

Appellate work requires specialized knowledge with the ability to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. This requires personnel that possess the requisite skills that can be obtained only through professional experience. Generally, law clerks do not possess the skills necessary to maximize efforts to assist the court in its workload. In addition, entry level support staff lack the requisite skills to fully support the court in its workload. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is two lawyers for each judge. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. Funding of this item will allow the court to recruit and retain well qualified professional staff, which is a major factor in the court's ability to fulfill its core function of timely processing and disposing of appeals while maintaining the quality of justice to which the citizens of Texas are entitled. The appellate courts implemented an entirely new e-filing and case management system with no additional funding for staffing needs to cover training or implementation. Furthermore, in 2016-17, we will be implementing a new statewide accounting system (CAPPS) which will require additional staff.

4.A. Exceptional Item Request Schedule
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/6/2014**
TIME: **8:02:46AM**

Agency code: **222**

Agency name:

Second Court of Appeals District, Fort Worth

CODE	DESCRIPTION		Excp 2016	Excp 2017
	Item Name:	New Full-Time Equivalent Positions (Staff Attorneys)		
	Item Priority:	2		
	Includes Funding for the Following Strategy or Strategies:	01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:				
1001	SALARIES AND WAGES		270,000	270,000
2003	CONSUMABLE SUPPLIES		1,000	1,000
2005	TRAVEL		2,000	2,000
2009	OTHER OPERATING EXPENSE		16,490	5,220
	TOTAL, OBJECT OF EXPENSE		\$289,490	\$278,220
METHOD OF FINANCING:				
1	General Revenue Fund		289,490	278,220
	TOTAL, METHOD OF FINANCING		\$289,490	\$278,220
FULL-TIME EQUIVALENT POSITIONS (FTE):			3.00	3.00

DESCRIPTION / JUSTIFICATION:

Because 18-26% of this court's docket is accelerated or preferential requiring these cases to be handled first regardless of when other cases were filed, this court requests funding to employ three full-time equivalent central Staff Attorneys to sustain the capacity of continuous cases filed on a daily basis. Our level of accelerated cases is larger than most because of our high volume of transferred cases, which cannot include accelerated matters. This will allow this court to properly dispose of all cases, and provide preferential treatment as required by statute or rule.

EXTERNAL/INTERNAL FACTORS:

Appellate law is diverse in a sense of the timely workflow process the appeal must go through before a decision can be made. After an appellant has filed a notice of appeal, the appellate review process begins. This court alone receives well over 1000 new civil and criminal cases filed yearly of which over 175 must be transferred due to the significant number of cases per chambers. This court's filings are virtually identical to courts with nine (9) justices and who have substantially more staff attorney support. The appellate review process can be extensive in that each case must be reviewed to ensure the proper procedures and the proper laws were applied in the trial court. Therefore, careful assessment is taken on each and every case. Considering the extensive number of accelerated and preferential cases received, it takes additional time to properly review non-accelerated cases. Therefore, funding for three central Staff Attorneys will ensure the success of a clearance rate of 100%.

4.A. Exceptional Item Request Schedule
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/6/2014**
TIME: **8:02:46AM**

Agency code: **222**

Agency name:

Second Court of Appeals District, Fort Worth

CODE	DESCRIPTION	Excp 2016	Excp 2017
<p style="text-align: center;">Item Name: Capital Request Item Priority: 3 Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations</p>			
OBJECTS OF EXPENSE:			
5000	CAPITAL EXPENDITURES	0	110,000
	TOTAL, OBJECT OF EXPENSE	\$0	\$110,000
METHOD OF FINANCING:			
1	General Revenue Fund	0	110,000
	TOTAL, METHOD OF FINANCING	\$0	\$110,000

DESCRIPTION / JUSTIFICATION:

This court has been informed by Tarrant County of relocation in fiscal year 2017. The county is in the final construction phase for the new Civil Courts building where this court has been slated to relocate. The county has informed this court of a new VOIP (voice over IP telephone system) it plans on implementing county-wide. Considering the county is required to provide the Second Court of Appeals space, we will be required to purchase this new telephone system. This court has been informed that the relocation is required but has not been provided with detailed expenditures to be covered by the county or us, except for the likelihood of the new phone system and possibly courtroom upgrade. Therefore, it is imperative for this court to request an additional \$100,000 for purposes of a new VOIP phone system in FY 2017 for the relocation. Our current phone system is sixteen years old and is not included in our baseline of which 96% is used for salaries, and the other 4 % for general operating expenditures. Additionally, the court requests \$10,000 for the purchase of a replacement e-mail server aging out to support forecasted growth of 4 new staff members over the next 5 years as OCA does not fund this need. There is a high likelihood of unanticipated moving costs that we may be required to cover.

EXTERNAL/INTERNAL FACTORS:

With such a large relocation, this court is committed to a successful move without added delays, and would like to have a seamless transition to reduce the possibility of cases not being tended to in a timely manner due to technically related issues with the computers and telephone systems.

4.B. Exceptional Items Strategy Allocation Schedule

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2014

TIME: 8:02:47AM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

Code	Description	Excp 2016	Excp 2017
Item Name:		Unfunded Portion of Guideline (Similar Funding for Same-Size Courts)	
Allocation to Strategy:		1-1-1	Appellate Court Operations
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	171,311	176,991
2003	CONSUMABLE SUPPLIES	3,000	3,054
2005	TRAVEL	9,000	0
2009	OTHER OPERATING EXPENSE	133,828	137,094
TOTAL, OBJECT OF EXPENSE		\$317,139	\$317,139
METHOD OF FINANCING:			
1	General Revenue Fund	317,139	317,139
TOTAL, METHOD OF FINANCING		\$317,139	\$317,139
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

4.B. Exceptional Items Strategy Allocation Schedule

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2014

TIME: 8:02:47AM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

Code	Description	Excp 2016	Excp 2017
Item Name:		New Full-Time Equivalent Positions (Staff Attorneys)	
Allocation to Strategy:		1-1-1	Appellate Court Operations
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	270,000	270,000
2003	CONSUMABLE SUPPLIES	1,000	1,000
2005	TRAVEL	2,000	2,000
2009	OTHER OPERATING EXPENSE	16,490	5,220
TOTAL, OBJECT OF EXPENSE		\$289,490	\$278,220
METHOD OF FINANCING:			
1	General Revenue Fund	289,490	278,220
TOTAL, METHOD OF FINANCING		\$289,490	\$278,220
FULL-TIME EQUIVALENT POSITIONS (FTE):		3.0	3.0

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth	
Code	Description	Excp 2016	Excp 2017
Item Name:		Capital Request	
Allocation to Strategy:		1-1-1	Appellate Court Operations
OBJECTS OF EXPENSE:			
	5000 CAPITAL EXPENDITURES	0	110,000
TOTAL, OBJECT OF EXPENSE		\$0	\$110,000
METHOD OF FINANCING:			
	1 General Revenue Fund	0	110,000
TOTAL, METHOD OF FINANCING		\$0	\$110,000

4.C. Exceptional Items Strategy Request
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2014
TIME: 8:02:47AM

Agency Code:	222	Agency name:	Second Court of Appeals District, Fort Worth			
GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0 - 0		
OBJECTIVE:	1	Appellate Court Operations	Service Categories:			
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3	

CODE	DESCRIPTION	Excp 2016	Excp 2017
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STRATEGY IMPACT ON OUTCOME MEASURES:

<u>1</u>	Clearance Rate	100.00 %	100.00 %
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	100.00 %	100.00 %
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	100.00 %	100.00 %

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	441,311	446,991
2003	CONSUMABLE SUPPLIES	4,000	4,054
2005	TRAVEL	11,000	2,000
2009	OTHER OPERATING EXPENSE	150,318	142,314
5000	CAPITAL EXPENDITURES	0	110,000
Total, Objects of Expense		\$606,629	\$705,359

METHOD OF FINANCING:

1	General Revenue Fund	606,629	705,359
Total, Method of Finance		\$606,629	\$705,359

FULL-TIME EQUIVALENT POSITIONS (FTE):

4.0 4.0

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Unfunded Portion of Guideline (Similar Funding for Same-Size Courts)

New Full-Time Equivalent Positions (Staff Attorneys)

Capital Request

6.A. Historically Underutilized Business Supporting Schedule
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: **8/6/2014**
Time: **8:02:48AM**

Agency Code: **222** Agency: **Second Court of Appeals District, Fort Worth**

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2012 - 2013 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	<u>HUB Expenditures FY 2012</u>			<u>Total Expenditures</u>		<u>HUB Expenditures FY 2013</u>			<u>Total Expenditures</u>
			% Actual	Diff	Actual \$	FY 2012	% Goal	% Actual	Diff	Actual \$	FY 2013
24.6%	Other Services	24.6 %	0.0%	-24.6%	\$0	\$17,035	24.6 %	0.0%	-24.6%	\$0	\$27,136
21.0%	Commodities	21.0 %	24.3%	3.3%	\$4,877	\$20,040	21.0 %	6.5%	-14.5%	\$1,530	\$23,549
	Total Expenditures		13.2%		\$4,877	\$37,075		3.0%		\$1,530	\$50,685

B. Assessment of Fiscal Year 2012 - 2013 Efforts to Meet HUB Procurement Goals

Attainment:

The court was unable to attain or meet the applicable statewide HUB procurement goals in FY 2012 or FY 2013 due to factors such as the size of the court. Over 96% of the court's budget is spent on salaries.

Applicability:

The Heavy Construction, Building Construction, Special Trade Construction, and Professional Services categories were not applicable to court operations in either FY 2012 or FY 2013 because the court did not have any strategies related to construction or the needs for professional services.

Factors Affecting Attainment:

A majority of the court's appropriations, approximately 96%, is expended on salaries and personnel costs. Whenever possible and feasible, other purchasing is carried out through TxSmartbuy, TPASS, TIBH, and TXMAS contracts. Additionally, the Judicial Committee on Information Technology (JCIT) performs the purchasing for all of the courts for most of their computer equipment.

"Good-Faith" Efforts:

The Second Court of Appeals has made significant progress and made a good faith effort in FY 2014 to increase purchases and contracts awarded to HUB vendors. However, there are instances where HUB vendor products, services and/or pricing (including shipping and handling charges) are a great deal more costly than non-HUB vendors, and under such circumstances the court will choose the best value as it is incurring expenses under taxpayer dollars. The Court will continue to make a good faith effort to meet and/or increase its HUB goals.

6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
Second Court of Appeals

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2016-17 GAA BILL PATTERN	\$	188,958
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Fund Name

Estimated Beginning Balance in FY 2014	\$	157,332
Estimated Revenues FY 2014	\$	95,807
Estimated Revenues FY 2015	\$	32,442
FY 2014-15 Total	\$	285,580
Estimated Beginning Balance in FY 2016	\$	124,075
Estimated Revenues FY 2016	\$	32,442
Estimated Revenues FY 2017	\$	32,442
FY 2016-17 Total	\$	188,958

Constitutional or Statutory Creation and Use of Funds:

As per court order #65971, Tarrant County established an Appellate Judicial System, when Chapter 22 of the Tex. Gov't Code Ann. §§ 22.201(c), 22.2031 (West Supp. 2014) was passed. A fee of \$5 is set for each non-indigent civil suit filed in the county court, statutory county court, probate court, or district court, except such fees that apply to any suit filed by a county or any suit for delinquent taxes. The prior statute only assessed the fees in Tarrant County; other counties were strictly voluntary. Management of the system is vested in the Chief Justice of the Second Court of Appeals and funds received from such fees shall be used and disbursed only for the purposes of assisting the Second Court of Appeals.

Method of Calculation and Revenue Assumptions:

Revenue assumptions are based on FY 2013 and FY 2014 partial collections. The number of civil suits filed determine actual revenue received. Revenue increased in FY 2014 only because two counties failed to submit several years' worth of Chapter 22 fees to this Court. Due to this error, an official request was sent to all counties to verify collected fees were forwarded to this Court. As a result, this Court received additional revenue of \$63,000 for fees received in prior years. The above annual revenue is reduced by the mandatory salary supplement and payroll related costs for each Justice and county related overhead costs that must be paid directly from these funds. Underfunded state budgets and therefore unanticipated expenses also reduce the balance in this fund.

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/6/2014
Time: 8:03:06AM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2016	2017	Biennial Total	2016	2017	Biennial Total	
1 Method of Financing							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: A 10% reduction in the Second Court's General Revenue from 2014-15 levels will inevitably result in delay and irretrievable losses, both personal and financial, for the nearly two thousand litigants who present their cases each year to the Second Court of Appeals. In the face of a proposed additional 10% reduction in General Revenue, the Second Court will be forced to reduce its staff. A reduction in staff is not merely a matter of putting a few Court employees out of work; it will also involve a delay in deciding cases for hundreds, and possibly thousands, of Texas citizens. We will no longer be able to meet the legislature's growing number of cases that are now accelerated and always move to the top of our docket, forcing "regular" appeals to linger.							
A 10% reduction can be achieved only through lowering or eliminating existing people. A reduction of this magnitude would result in the loss of two additional permanent staff attorneys, the loss of two legal secretaries, and the loss of one clerk. The loss of two staff attorneys represents approximately 15% of the Court's permanent legal staff. The loss of two legal secretaries represents 20% of the Court's upper-level administrative staff. The loss of one clerk also represents about 20% of the Court's legal staff. These individuals, all highly skilled and trained professionals, are the quiet backbone of the Court who help the justices timely resolve the disputes of the people and the businesses of north central Texas. The loss of employees will cripple our ability to scan, archive, or handle e-filing, or further train on TAMES until a future biennium.							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$260,000	\$260,000	\$520,000	
General Revenue Funds Total	\$0	\$0	\$0	\$260,000	\$260,000	\$520,000	
Item Total	\$0	\$0	\$0	\$260,000	\$260,000	\$520,000	
FTE Reductions (From FY 2016 and FY 2017 Base Request)				4.0	4.0		

2 Method of Financing

Category: Administrative - Operating Expenses

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/6/2014
Time: 8:03:06AM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

	REVENUE LOSS			REDUCTION AMOUNT			TARGET																																																								
Item Priority and Name/ Method of Financing	2016	2017	Biennial Total	2016	2017	Biennial Total																																																									
<p>Item Comment: In addition, the Court will be forced to cut the remaining from consumables and travel costs which will substantially hinder the court's operations due to lack of required supplies and necessities in order for employees to conduct their jobs successfully day to day. Additionally, we will be forced to cut travel by over 1.3% even though the travel budget has been cut substantially in previous years. By further having to reduce travel, employees will not be able to stay updated and trained on new computers, software, statutes, policies and procedures. Travel is a necessity for court employees, such as attorneys, who have specialized skills and need to stay informed on new laws and regulations to maintain their licenses.</p> <p>Strategy: 1-1-1 Appellate Court Operations</p> <p><u>General Revenue Funds</u></p> <table><tr><td>1 General Revenue Fund</td><td>\$0</td><td>\$0</td><td>\$0</td><td>\$1,085</td><td>\$1,086</td><td>\$2,171</td><td></td></tr><tr><td>General Revenue Funds Total</td><td>\$0</td><td>\$0</td><td>\$0</td><td>\$1,085</td><td>\$1,086</td><td>\$2,171</td><td></td></tr><tr><td>Item Total</td><td>\$0</td><td>\$0</td><td>\$0</td><td>\$1,085</td><td>\$1,086</td><td>\$2,171</td><td></td></tr></table> <p>FTE Reductions (From FY 2016 and FY 2017 Base Request)</p> <p>AGENCY TOTALS</p> <table><tr><td>General Revenue Total</td><td></td><td></td><td></td><td>\$261,085</td><td>\$261,086</td><td>\$522,171</td><td>\$522,171</td></tr><tr><td>Agency Grand Total</td><td>\$0</td><td>\$0</td><td>\$0</td><td>\$261,085</td><td>\$261,086</td><td>\$522,171</td><td></td></tr><tr><td>Difference, Options Total Less Target</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Agency FTE Reductions (From FY 2016 and FY 2017 Base Request)</td><td></td><td></td><td></td><td>4.0</td><td>4.0</td><td></td><td></td></tr></table>								1 General Revenue Fund	\$0	\$0	\$0	\$1,085	\$1,086	\$2,171		General Revenue Funds Total	\$0	\$0	\$0	\$1,085	\$1,086	\$2,171		Item Total	\$0	\$0	\$0	\$1,085	\$1,086	\$2,171		General Revenue Total				\$261,085	\$261,086	\$522,171	\$522,171	Agency Grand Total	\$0	\$0	\$0	\$261,085	\$261,086	\$522,171		Difference, Options Total Less Target								Agency FTE Reductions (From FY 2016 and FY 2017 Base Request)				4.0	4.0		
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Difference, Options Total Less Target																																																															
Agency FTE Reductions (From FY 2016 and FY 2017 Base Request)				4.0	4.0																																																										

Agency code: **222**

Agency name: **Second Court of Appeals District, Fort Worth**

Strategy		Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1-1-1 Appellate Court Operations						
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	\$320,474	\$346,513	\$348,189	\$348,189	\$348,189
1002	OTHER PERSONNEL COSTS	11,324	12,479	13,044	13,494	13,979
2003	CONSUMABLE SUPPLIES	207	313	280	280	280
2004	UTILITIES	36	33	40	40	40
2005	TRAVEL	10,107	4,787	10,500	10,500	10,500
2009	OTHER OPERATING EXPENSE	2,005	1,518	1,928	1,815	1,690
Total, Objects of Expense		\$344,153	\$365,643	\$373,981	\$374,318	\$374,678
METHOD OF FINANCING:						
1	General Revenue Fund	290,929	311,879	319,142	319,479	319,839
777	Interagency Contracts	53,224	53,764	54,839	54,839	54,839
Total, Method of Financing		\$344,153	\$365,643	\$373,981	\$374,318	\$374,678
FULL-TIME-EQUIVALENT POSITIONS (FTE):		2.5	4.5	4.5	4.5	4.5

DESCRIPTION

The administrative and support costs in this strategy are related to the percentage of salaries and related operating costs of court personnel performing administrative functions.

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$320,474	\$346,513	\$348,189	\$348,189	\$348,189
1002 OTHER PERSONNEL COSTS	\$11,324	\$12,479	\$13,044	\$13,494	\$13,979
2003 CONSUMABLE SUPPLIES	\$207	\$313	\$280	\$280	\$280
2004 UTILITIES	\$36	\$33	\$40	\$40	\$40
2005 TRAVEL	\$10,107	\$4,787	\$10,500	\$10,500	\$10,500
2009 OTHER OPERATING EXPENSE	\$2,005	\$1,518	\$1,928	\$1,815	\$1,690
Total, Objects of Expense	\$344,153	\$365,643	\$373,981	\$374,318	\$374,678
Method of Financing					
1 General Revenue Fund	\$290,929	\$311,879	\$319,142	\$319,479	\$319,839
777 Interagency Contracts	\$53,224	\$53,764	\$54,839	\$54,839	\$54,839
Total, Method of Financing	\$344,153	\$365,643	\$373,981	\$374,318	\$374,678
Full-Time-Equivalent Positions (FTE)	2.5	4.5	4.5	4.5	4.5

Capital Expenditure Detail

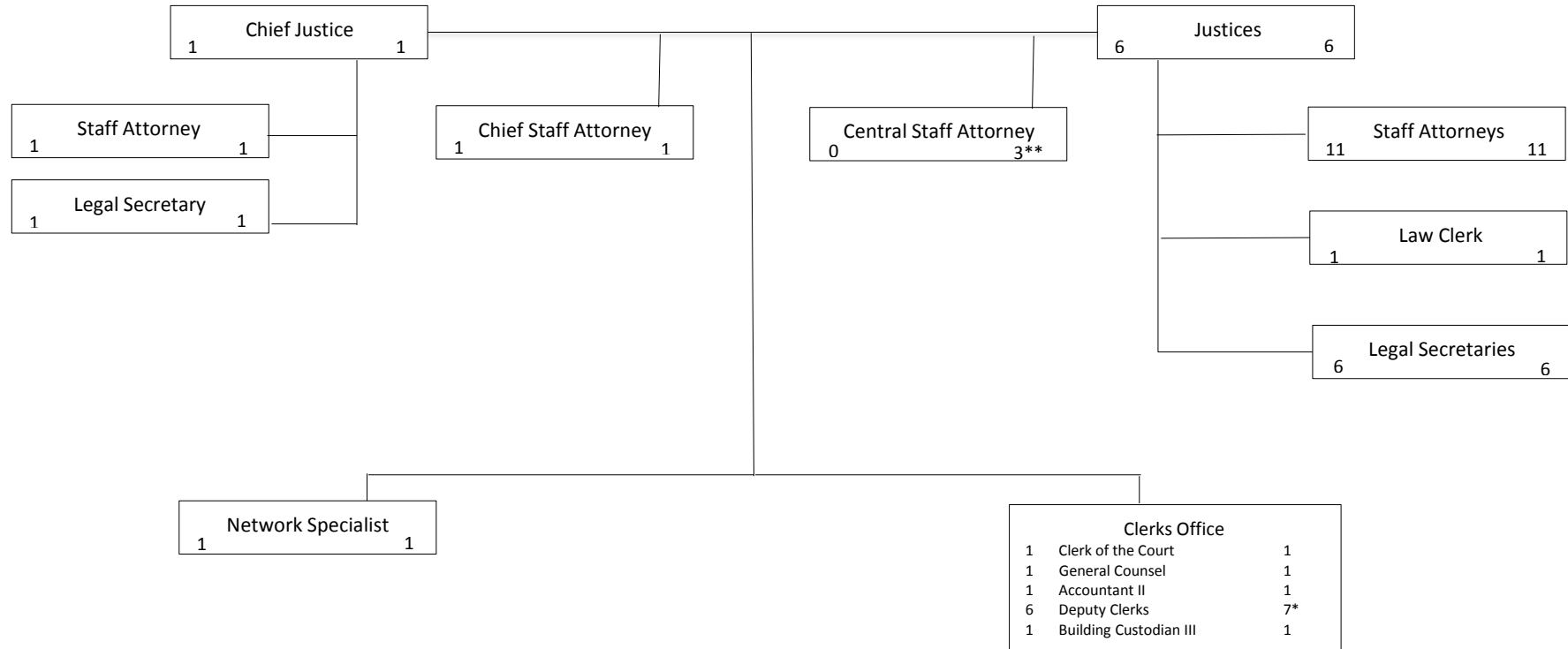
Agency Code:	Court/Agency:	Strategy:			Prepared by:		Date:	Strategy:
G00000000	U.S. District Court for the District of Columbia	Appellate Division			G. J. ...		11/1/2011	E1
Itemization by Capital Expenditure Category		Number of Units	Unit Cost	Expended FY 201'	Estimated FY 201(Budgeted 201)	Requested 201*	Requested 80%+
Category	Description of Items							
5007	Acquisition of Capital Equipment and Items							
	New Telephone System	1						100,000
	E-Mail Server	1						10,000
	TOTAL							\$110,000
GRAND TOTAL: CAPITAL EXPENDITURES								\$110,000

ORGANIZATIONAL CHART

Second Court of Appeals

2015-(2016-17)

Attached is an organizational chart of the Second Court of Appeals. The number on the left is the number of budgeted positions for fiscal year 2015. The number on the right is the number of positions requested for quality legal and non-legal staff for FY 2016-17.



*Employees subject to re-hire only if unfunded portion of guideline is restored (exceptional item.)

**Employees subject to hire only if Full-Time Equivalents (exceptional item) is approved.